

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.25350 of 1999

Dated:07.11.2007

Between

Sukumar Bera

..Petitioner

and

1.Government of India rep., by its
Principal Secretary, Home Affairs,
New Delhi and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.25350 of 1999

ORDER:

This writ petition is filed seeking a Mandamus to declare letters dated 7.4.1999 and 16.3.1998 of 3rd and 2nd respondents as arbitrary and illegal and consequently to direct the respondents to absorb the petitioner in Fire Service Wing as per the option exercised by him in the year 1987 and further to direct them to consider the case of the petitioner for promotion as per his eligibility with retrospective effect.

It appears that the petitioner joined in the service of Central Industrial Security Force and also underwent specialized training meant for fire services. In the year 1986 when he was asked to give his willingness to continue in the

fire service, he opted to continue therein. According to the respondents, the fire service special wing was created only in the year 1991 and it could not materialize in the year 1986 when options were called for. Therefore, fresh notification was published on 12.1.1991 calling for options from the persons those who are already opted on the earlier occasions. Admittedly, the petitioner did not opt as per the notification dated 12.1.1991. It is his case that he was not aware of the proposal and he was not informed by the Paradeep Unit, whereas in the counter filed by the respondents it is asserted that the contents of FHQ letter No.E-37015/63/86-Fire dated 1.1.1991 (wherein his name was enlisted at Sl.No.10 in the rank of Naik) had been announced in the Fire Wing roll call by Inspector/Fire so as to enable concerned personnel to submit fresh application along with options and thereafter, options of 03 personnel of his unit

were forwarded to Force HQrs., for consideration. Therefore, the contention of the petitioner that he was not intimated as to the notification dated 1.1.1991, is not correct.

Under those circumstances, the options, which were asked for in the year 1986, have not attained finality and even in the fresh notification, it was clearly intimated that the options exercised in the year 1986 would not be given effect to. Therefore, I am of the opinion that the writ petition is devoid of merits and is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

07-11-2007

rkk